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July 19, 2018

Via ECF

Honorable Andrew T. Baxter
United States Magistrate Judge
United States District Court – Northern District of New York
100 South Clinton Street
Syracuse, NY 13261

Re: ***Gonzales v. Agway Energy Services, LLC*, No. 5:18-cv-00235-MAD-ATB**

Dear Judge Baxter:

In what appears to be a pattern of dilatory conduct, Defendant has failed to provide timely written responses to Plaintiff's initial discovery requests or even commit to a date when it will do so.

Plaintiff served her first set of interrogatories on Defendant on May 15, 2018.¹ *See* Exhibit A. On May 29, 2018, Plaintiff's counsel offered Defendant a fifteen-day extension (to June 29, 2018) to provide its written responses. *See* Exhibit B. Defendant continued to promise that it would provide its written responses shortly, and on July 11, 2018, represented that, "[w]e are finalizing the written responses now." *See* Exhibit C. Finally, yesterday Plaintiff's counsel requested a date certain for Defendant's written responses and stated that we would seek relief from the Court if we do not receive a response by the end of the day. *See* Exhibit D. To date, Defendant has not responded to Plaintiff's counsel's email. While Defendant has waived any objections to these interrogatories (which are not, in any event, objectionable), it must nevertheless provide timely substantive responses.

Thus, Plaintiff respectfully requests that the Court issue an Order requiring Defendant to provide responses to Plaintiff's first set of interrogatories prior to the Rule 30(b)(6) deposition. Plaintiff further respectfully requests that the Court address this issue in conjunction with the conference regarding Plaintiff's pending discovery dispute letter, ECF No. 61.

We appreciate the Court's continued attention to this matter.

¹ Plaintiff also served her first set of requests for production on Defendant on May 15, 2018. While Defendant has also failed to provide written responses to these requests (thus waiving any objections thereto), there are no ripe disputes with respect to the production of documents in response to these requests. Plaintiff first seeks to hold a Rule 30(b)(6) deposition in order to ascertain the scope of a document and data production that is proportional to the needs of this action.

Respectfully Submitted,

s/ D. Greg Blankinship

D. Greg Blankinship

Todd S. Garber

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